D.B. CIVIL SPECIAL APPEAL (WRIT) NO.1017/2007

Ramu & Ors.
Vs.
State of Rajasthan & Ors.

Date of Order :: September 18, 2007.

HON'BLE THE CHIEF JUSTICE MR.J.M. PANCHAL
HON'BLE MR.JUSTICE MOHAMMAD RAFIQ

Mr. Raghvendra Singh on behalf of
Mr. Bhanu Pareek for the appellants.

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The instant appeal is directed against judgment dated October 16, 2006 rendered by the learned Single Judge in S.B. Civil Writ Petition no.9415/2005 by which the prayer made by the appellants to restrain the respondents from interfering with their possession of Khasra No.49 of Village Girdharipura, is refused.

The appellants claim to be in possession of Khasra No.49 of Village Girdharipura since the time of their ancestors. According to them, during settlement proceedings the use of the land was changed and has wrongly been treated as *siwachak* land. What was claimed by them was that their possession of the land should have been regularized having regard to the facts of the case, and that the prayer made by them for regularization of occupation should not have been rejected by the Jaipur Development Authority. Under the circumstances, the appellants filed S.B. Civil Writ Petition no.9415/2005 and claimed the relief referred to earlier.

The learned Single Judge rejected the petition on the ground that alternative effective remedy was available to the appellants for claiming the relief claimed in the petition by order dated October 16, 2006 which has given rise to the instant appeal.

This Court has heard the learned counsel for the appellant.

During the course of hearing of the appeal, the learned counsel for the appellants states at the Bar that the appellants have already filed revenue suit under the provisions of Rajasthan Tenancy Act which is pending for disposal. As the appellants have resorted to the alternative effective remedy available to them under the provisions of the Act, the appeal is liable to be dismissed.

For the foregoing reasons, the appeal fails and is dismissed.

(MOHAMMAD RAFIQ),J. **(J.M. PANCHAL), CJ.**

Skant/-